DECISION OF JUDGE WALLACE AF FECTING TRUST COMPANIES.

They Must Protect the Bondholders as Well as These for Whom the Honds Are Issued-Other Obligations Besides Those Defined by the Terms of the Mortgage. Judge William J. Wallace of the United States Circuit Court handed down yesterday a deelsion dwelling upon the duties and obligations of a trustee toward the holders of the bouds representing the mortgage issued to the trustee. The decision is rendered upon a demurrer filed by the Farmers' Loan and Trust Company in a suit brought by William D. Frishmuth and Benoni Frishmuth, trustees of the will of William D. Frishmuth. The plaintiffs began suit last January, alleging breach of duty on the part of the trust company which was trustee of a mortgage given in October, 1880, by the Oregon and Pacific Railroad Company and the Willamette Valley and Coast Railroad Company to secure \$15,000,000 in bonds issued by the trustee. The plaintiffs alleged that they lost the amount represented by the bonds purchased from the trustee and asked for an accounting. Judge Wallace sustains the demurrer, but gives the plaintiffs the right to submit an amended bill framed in the

agreement with the opinion expressed on the

contentions of the demurrer. The decision reviews the allegations con-tained in the bill of complaint. The Willamette Valley Company was formed to build a railroad from Corralis to Yaquina Bay, on the Paeific Coast, to acquire lands in Benton county. Ore., and also to acquire, by payment of \$1000, 000, a grant of land from the State of Oregon to the Willamette Valley and Cascade Mountain Wagon Road Company, aggregating 850,-000 acres. The Oregon-Pacific Company was neorporated to build a railroad from Yaquins Bay to Boisé City, and to construct the railroad of the Willamette Valley Com-pany. Both joined in the mortgage. At the execution of the mortgage, neither had any property except their franchises, a land grant belonging to the Willamette Company and the right to acquire the Wagon Road Company's

belonging to the Williamette Company and the right to acquire the Wagon Road Company's grant for \$600.000 According to the covenants, the trustee was to issue \$3,250,000 in bonds, to be used in payment of the \$600.000 opportunity, to build 130 miles of road from the ocean eastward, and, if any surplus remained, with the proceeds of any subsequent issues, to build the rest of the road and carry out the conditions of the franchies. It was stipulated that the issue was not to exceed \$25,000 amile for railroad construction purposes. Heginning in 1886, the Oregon company was to deposit \$30,000 each year with the trustee for investment for the general purposes of a sinking fund.

According to the decision, still citing from the bill of complaint, in May, 1881, when the \$3,250,000 issue was authorized by the mortgagor, the right to make the \$600,000 purposes of the Wagon Road Company had expired. Seventy-two miles of road were completed by October, 1884, when, according to the complaint, the defendant, with knowledge that the covenants of the mortgage were not fully complied with, issued additional bonds upon the authorization of the mortgagor, the Board of Directors of the Oregon-lacide having that authority. In June, 1885, \$3,750,000 of bonds were issued by the trustee, aithough the 130 miles of road, which under the covenant were to have been constructed out of the first issue of bonds, were but barely completed. In October the mortgagor companies were found to be insolvent, and in December, 1844, the premises were sold under foreclosure to persons other than the bondholders, who thereby lost, the complaint and in December, 1844, the premises were sold under foreclosure to persons other than the bondholders, who thereby lost, the complaint and if Directors of the demutrer filed by the Farmers' Loan and Tarket Bondholders, who thereby lost, the complaint and if Directors of the demutrer filed by the Farmers' Loan and Tarket Bondholders.

bondholders, who thereby lost the complaint says, any lien they had under the terms of the covenant.

The demurrer filed by the Farmers' Loan and Trust Company contends that the plaintiffs, even concealing the facts stated in the bill of complaint to be true, have no cause for action, because the duties of the trustee, as set forth in the covenant, have been fully performed; that the complaint is defective in respect to the parties named as defendants, the contention being that both the mortgagor companies should have been so named; that the complaint is defective, also, because bondholders other than the plaintiffs are not permitted to come in as plaintiffs; that the suit is barred by the statute of limitations; that the laches of the complainants, in view of the facts set forth, preclude any recovery. Other technical objections declaring the suit not cognizable at law were also filed.

The contention that the complainants have no cause for action on the statements of the bill of complaint is overruled; likewise the contention that the mortgagor companies should have been named as defendants. The contention that the suit is not brought in behalf of all who may have the right to come in as complainants. The contention that the suit is barred by the statute of limitation is also sustained by Judge Wallace, who says that while the jurisdiction of United States courts is not subject to any statute of limitation, yet the court feels bound to be governed by the consensus of judicial opinion bearing upon such restriction. The varying dates in the succession of events that produced the litigation may, low-ever, he said, lead to the presentation of an amended bill of complaint that will overcome the argument of the demurring counsel on this point as well as on the contention that the laches of the complainants preclude any suit to recover.

Judge Waliace says further that if the facts

Judge Wallace says further that if the facts stated in the bill of complaint are true it would seem that good cause for action exists. A trustee, the decision says, cannot escape responsibility upon the theory that a mortgage does not contain conditions prescribing his conduct except in cases of default. Such theory does not protect a trustee in delivering bonds, the proceeds of which he knows, or believes, will be applied improperly. A prulent trustee, the decision declares, would refuse to enlarge the debt that was being improperly managed. The decision is in part as follows:

"The duties assumed by one to whom a railroad mortgage is made for the benefit of bondholders are not those only which are defined by the terms of the instrument. Others are superimposed upon the trustee, created by the relation of the parties and the situation of the trust fund. Although selected to represent as well all those who may become the holders of bonds. No one but the trustee can enforce the covenants and conditions of the mortgage or take proper measures to protect the interests of bonds. No one but the trustee can enforce the covenants and conditions of the instrument. When the mortgage debt is amply secured the futies of a trustee are ordinarily merely nominal, until a default occurs in complying with the conditions of the mortgage. In this case the security was practically in metables at the inception of the trust, and was to be created by the co-operation of the defendant and the oregon-lacific Company; it was to be constituted an adequate security by the acquisition of property by the Oregon-facific Company; through the proved and expressed to induce favorsors to produce the

through the proceeds of bonds to be issued by the trustee.

"The mortgage was sedulously framed and expressed to induce invasors to purchase the bonds upon the faith that such property would be acquired with the proceeds, and that, as the bonds were issued by the frustee, the proceeds would be devoted by the Oregon-Pacific Company, under supervision of the trustee, to leed the security and satisfy the premises set forth in the bonds and mortgage covenants."

TRAIN WITH A FATAL RECORD,

Another Grade-Crossing Tragedy on the Greenwood Lake Railroad.

Paterson, N. J., June 22.-The 6 o'clock eastbound express train on the Greenwood Lake Railroad crashed into a wagon and team at a grade crossing in Wynokie, about twelve miles north of here, this evening, and Frederick Riker, who was driving, was instantly killed. Charles Ackerman, a boy who accompanied him, was so badly injured who accompanied him, was so cany injured that it is feared he will not recover. Riker was a farmhand employed by Thomas Ryerson, to whom the team and wagon belonged. As he approached the crossing his view of the track was cut off by a line of box cars. Witnesses of the accident say no warning of any kind was given by the train.

This train is the one which struck a party several weeks ago at a crossing two or three several weeks ago at a crossing two or three

Initial weeks ago at a crossing two or three miles nearer here, resulting in the death of two persons. At the Coroner's inquest held last week the railroad company was censured for its general neglect of the crossings in the country districts.

Tells of His Aspirations and of Machinations by the Money Sharks.

John Pope Holnett, who was arrested it Washington recently on a charge of attempting to force his way into Attorney-General Griggs' office, has returned to Jersey City, and has resumed his occupation of soliciting "ads" for a weekly paper there. He said yesterday:

"I had a good position in Washington offered me by Vice-President Hobart, but I declined to accept any position in Washington, because I wanted an appointment only in New York. I had decided that the only positions that would suit me are Collector of the Portof New York. Naval Officer. Postmaster, or Collector of Internal Revenue. Mr. Hobart told me that these places could only be secured from the President, and that if I stuck to him I would succeed eventually. I saw President McKimley once, and he said he would see me again in a few days.

A job was put upon me by money sharks to arrest me while calling at Attorney-General Griggs a office. Judge Bradley discharged me, and offered me transportation to Jersey City, which I accepted. me by Vice-President Hobart, but I declined to

RIVAL COLONIAL DAMES IN COURT. Disputing the Right to Use the Title Adopt ed First in New York.

The trial of the suits brought by the Colonial Dames of America against the Colonial Dames of the State of New York and the National Sogiety of the Colonial Dames of America, of which the State society is a branch, was begun in Part V. of the Supreme Court yesterday before Justice Bookstaver. The Colonial Dames of America ask for an injunction restraining the other societies from using the name "Colonial Dames," alleging that the use of the name by the defendant societies is an injury financially and socially to the Colonial Dames of America in that the title attracts persons to membership

who would join the plaintiff society. The plaintiff society was organized in New York city in 1890 and was incorporated in this State April 14, 1891. The defendant society was organized in Philadelphia'on April 8, the same year. The Colonial Dames of New York was not incorporated until April 25, 1893. The general officers of the plaintiff society, aside from the officers of the chap-ters, most of whom were in court, are: President. Elizabeth Coralle Gardiner, wife of I Lyon Gardiner; Vice-Presidents, Mrs. Thomas Wren Ward and Mrs. James Watson Gerard: Secretary, Mrs. T. M. Cheesman; Treasurer. Mrs. Oscar Edgerton Schmidt; managers, Mrs. Archibaid Alexander, Mrs. John Hone, Mrs. Edward King, Miss Josephine Stevens, Miss Jane J. Boudinot and Mrs. Paul Dana, and historian, Miss Julia Livingston Delafield. Among the defendants present were: Mrs. Howard Townsend, President of the National Society of Colonial Dames; Mrs. Charles C. Harrison, Miss Ruth Lawrence, daughter of Justice Lawrence of the Supreme Court; Mrs. Samuel Verpianck, Mrs. Oliver L. Jones, Mrs. Charles Curtiss, Mrs. Morris P. Ferris, Mrs. Hamilton R. Fairfax, Mrs. Anson P. Atterbury, Mrs. W. B. Beekman and Mrs. Eugene Van Bensselser. Mrs. Oscar Edgerton Schmidt; managers, Mrs.

Charles Curtiss, Mrs. Morris P. Ferris, Mrs. Hamilton R. Fairfax, Mrs. Anson P. Atterbury, Mrs. W. B. Beekman and Mrs. Eugene Van Rensselaer.

Col. Franklin Bartlett, counsel for the Colonial Dames of America, in opening the case said that it was a suit in equity brought in nart to secure an injunction to restrain Mrs. Howard Townsend as President of the national society named from using a title which is the property as a trademark of the Colonial Dames of America. Col. Bartlett read the minutes of the meeting held at the house of Mrs. John King Van Rensselaer in New York on May 16, 1830. at which the plaintiff society was organized.

Mrs. John Lyon Gardiner, the President of the plaintiff society, was the first witness. She testified as to the organization of the society. At the second meeting of the society in 1830, he said, each woman present was asked to suggest an appropriate name at the next meeting. At the following meeting, which was held in November, 1840, Mrs. Van Rensselaer proposed the name. "The Society of Colonial Dames of America," and it was adopted. The society then elected Mrs. Edward King President and the witness First Vice-President. No mottoes were adopted at this meeting.

Mrs. Christine Biddle Cadwalader of Philadelphia was next called. She told of the forming of a branch society aiready existing and tried to interest her in it. Mrs. Cadwalader told Mrs. Arnold that nearly all her friends were aiready connected with the original society and she would rather belong to that society and she would rather belong to that society and she would rather belong to that society and she would rather belong to the New York society interior to that of the Philadelphia women considered the ancestry of the members of the New York society interior to that of the Philadelphia women considered the ancestry of the members of the New York society interior to that of the Philadelphia women considered the ancestry of the members of the New York society interior to that of the Philadelphia women considered the a

Andrew A. Blair testified that she seached the protest.

Mrs. Lewis Livingston Delafield testified that the plaintiff society had distributed a large sum of money to help our soldiers in the recent war. Mrs. Elizabeth Fisher King and Miss Jane J. Boudinot testified as to publications issued by the society, and Miss Cavenalt, the Assistant Secretary, testified as to confusion in the mails due to the similarity of the names.

John M. Bowers, who was counsel for the defendants, in opening the defence contended that the names are not confusing and that the plaintiff has no right to the exclusive use of the words. Colonial Dames."

Eleanor Van Hensselaer Fairfax, the first witness for the defence, said that she was one of the incorporators of the plaintiff society, but resigned, after remaining in it two years, to become one of the organizers of the Colonial Dames of New York. After her testimony the case went over to to-day.

BUTTERFIELD IS STILL HIDING.

His Wife Says She Doesn't Exactly Know Where He Is At.

Samuel Butterfield, the Twelfth Ward Bank clerk who it was thought was drowned at Coney Island on Sunday, had not returned to his home, 202 West 122d street, last night. His wife says she has received information that he is alive and well. Mrs. Butterfield told a Sun reporter last night that she did not know where her husband was. A friend of his, she aid, came to see her on Tuesday and told her that he had seen her husband in the city, and that he was all right. She thinks now that he is ashamed to return to his home on account of the notoriety attached to his disappearance. "I cannot account for his queer conducting going sawy as he did," she said. "If he had any trouble I never knew of it."

going away as he did," she said. "If he had any trouble I never knew of it."

A story was circulated seaterday among the neighbors that Butterfield and his wife had quarrelied last Sunday over a woman he had been acquainted with. When asked about this Mrs. Butterfield said there was not a word of truth in it. She said: "When my husband went out last Sunday I noticed that he was unusually affectionate, and I playfully remarked that I thought that sometimes he did not care as much for me as he might some others. He said that such things never entered his head."

Mrs. Butterfield said that she and her husband never quarrelied and she had no reason to mistrust him. She says that she believes her husband is not in the city at the present time and does not expect to ever see him in the neighborhood where they now live again.

James Butterfield went to five yesterday in response to a message from the police there that they had in custody a man who resembled Butterfield very much. His trip was fruitless, as the man was not his brother.

NO CHARGE FOR "SCIENCE REALING." There Will Be No Prosecution in the Case of Joseph McCaig's Death.

PHILADELPHIA, June 22.-There will be no resecution in the case of Joseph McCaig of Beverly, W. Va., who died yesterday at his boarding house, 1429 Montgomery avenue, without having had the attendance of a physieian, having been a believer in Christian seience. The widow was at the inquest. She said she knew of her husband's illness and that he had come here for treatment. She had heard of the correspondence between her hus-band and Mr. Randall, the "Science Healer," but had no knowledge of any fee having been asked for or given. She said she was sent for

asked for or given. She said she was sent for on Monday night and arrived here the following day. Her husband refused to have a doctor. She said. "I believe the ever-present physician was there—tiod." These words she uttered in such a low tone that it was necessary for her to repeat them, and the Coroner then asked: "Is that your belief?" Being answered in the affirmative, he dismissed her and asked Randall whether he had collected any fee. "Not in this case," was the answer. The report of the post-mortem examination was made by Dr. Morton, who said that death was due to heart disease. A verdict in accordance with the finding of the physician was rendered. Randall was warned to practice his healing with care lest he make a mistake and charge a fee sometime.

Another Postponement to Be Asked in the

PHILADELPHIA, June 22.-It was said to-day that there would be another request in the United States Court on Monday by A. S. L. Shields, attorney for former United States District Attorney Ingham, and his assistant, Harvey K. Newitt, for a continuance of their trial on the charges of aiding counterfeiters and attempting to bribe United States Govern-ment officials connected with the Secret Serand attempting to brice United States Government officials connected with the Secret Service. It is said that Mr. Ingham is still too ill to go to court and that the case against him cannot so on in his absence, and that as he is a most material witness for Mr. Newlit his trial must be postponed to enable Ingham to be there. District Attorney Beck will strenuously oppose further postponement.

Gov. Mount to Betire from Politics. LAPORTE, Ind., June 22.-Gov. James A. Mount, for whom the politicians have de

veloped a Vice-Presidential boom. has written to a personal friend that he will retire from politics at the close of his term of office. Sour tomach and gulping wind. Johnson's Diges-ave Tablets touch the spot and cure.—Adv.

STORY FROM CHASE'S SIDE

OF THE CARRYING OFF OF HIS RICH SON BY THE DUHMES.

ursuit by Lawyer Probasco of Cincinnat Brings Him to New York—Gov. Pingree Has Not Yet Granted a Requisition for Abduction—Duhmes Said to Be Here Still. Harry R. Probaseo of Cincinnati, for several rears a United States Commissioner in Cincinnati, a naphew of John Sherman and the coursel for Gen. Miles before the recent court of in-

quiry, arrived in New York early yesterday

morning and put up at the Holland House. He came to New York as the legal representative of Samuel F. Chase of Lafavette, Ind., the father of Moses Fowler Chase. The father alleges that his son has been abducted from Detroit by Mr. and Mrs Charles Duhme of Cincinnati, who are with him, and their physleian, Dr. Porter, at the Waldorf-Astoria. Mrs. Duhme is young Chase's aunt. Mr. Probasco gave out a statement at the Holland House last night which gave his client's side of the story

Mr. Probasco says that young Chase's father is a lawyer of standing in Indiana and a man of means, who retired some years ago from active practice to give his entire attention to his own affairs and those of his son. The elder Chase is a graduate of Yale, and has been a widower

means, who rectired some years ago from active practice to give his sentire attention to his own affairs and those of his son. The elder Chase is a graduate of Yale, and has been a widower for several years. Mr. Chase believes that his son is of unsound mind. He employed a number of specialists to visit the boy at the sanitarium in Filmt, Mich. to which he had sent the boy. Among the specialists was Dr. Carlos F. Macdonald of this city, who, so Mr. Probaseo said last night, gave it as his opinion that the young man had acute manis. Early last month the boy expressed in a letter to his father a desire to go home for a time. It was finally arranged that young Chase, accompanied by his father and Dr. Haas, should take the voing man for a visit to his home in Lafavette. On the way thither they arrived in Detroit on the night of Sunday, June 4, and, according to Mr. Probaseo, were about to change cars in the Detroit station when Mrs. Duhme appeared, embraced her neither and made a greatto-do-over him. They all went to the Hotel Cadillae, and it was agreed that the party should journey logether to Lafavette, the home of the Chases, on the following day. The next day when Mr. Chase was ready to start the Duhmes and young Chase were missing.

Mr. Chase, according to Mr. Probaseo, immediately put detectives on the track of Mr. and Mrs. Duhme and his son and went home to Lafavette. When the Duhmes stopped at Cleveland Mr. Chase napplied to the proper court in Lafavette for the appointment of a guardian for his son. This action is still pending. On June 1, his action is still pending. On June 1, his action is still pending. On June 3 appointment of a guardian appointed there home in Clifton, a suburb of Clincinnati, this action has been made by young Chase to Judge Ferris of the Probaseo found that out he assessed and prestained him to look out for his son's interest in Clincinnati, thinking that an attempt would be made to have a guardian appointed there for the application stall pending. In the meaning Mr. Probaseo foun

learned that the Duhmes and young Chase had gone to New York, and he came here as quickly as possible.

Mr. Probasco would not say last night what he intended to do, but he did say that flow. Pingree would not act upon the issuing of a requisition for Mr. and Mrs. Duhme until this morning, when he would give a hearing to Mr. Chase's attorney in Detroit, as well as to the attorney for the Duhmes.

It was reported at the Waldorf-Astoria yesterday afternoon that Mr. and Mrs. Duhme, young Chase and Dr. Porter had left for boat. It was learned later that this was not so. Willard A. Mitchell, attorney for Mr. Duhme, said yesterday that he was simply waiting for the requisition for Mr. and Mrs. Duhme to arrive in Albany. He said that it would not be possible to resist the requisition because it had been granted on a statement of fact. If, however, it was faulty in Form, it would be resisted upon that ground. Mr. Mitchell would not say what course he would pursue should the requisition be hopered by Gov. Reosevelt and the Duhmes taken back to Detroit.

WHITE ELEPHANT OPENED AGAIN, This Time Ignatz Combossy Turns Up as

Its Manager.

The "White Elephant" at 470 Sixth avenue, which Capt. Price closed a few months ago, when John C. Ellis was its proprietor, was reopened last night under new management, but under the old name. The resort's liquor tax certificate is made out in the name of Dunlap, but Ignatz Gombossy is really the proprietor.; Gombossy Is'a brother of Simon Butt-

prietor., Gombossy is a brother of Simon Buttner, who used to run the Broadway Garden.
Ever since Buttner and John C. Ellis testified
against Price before the Mazet committee,
rumor has been rife in the Tenderloin that
one of the Gombossy brothers was going to
open a resort in the district.

Price has frequently said since the rumor
started that neither a Gombossy nor Ellis
would ever run a place in a precinct in which
he was the Captain. That Gombossy timed
the oppning of the new White Flephant is certain. Price sails to morrow on the Umbria
for a vacation of thirty days. It isn't likely
that, in his absence, any of his men will interfere with the resort. for with the resort.

Ignatz Gombossy is the former owner of the Hoffman Gardens on Third avenue. He recently sold the rlace. Gombossy said, last night that his liquor tax certificate gives him the right to serve liquors until 1. A. M. After that hour he will sell coffee and "soft" drinks.

INVENTOR BUSHNELL FREE. University Club Man Who Has Been in Bloomingdale Since January.

William B. Bushnell, who says he is a cousin of Artnur B. Twombly, was released yesterday, by order of Justice Beekman, from Bloomingdale Asylum, where he had been since las January. Bushnell is an inventor who has been interested in machinery for making ice. He comes from Tacoma. He is a member of the University Club and was committed after he had acted strangely at the club. He has been maintained at the asylum by Mr. Twomply. The return to the writ by Superintendent Lyon of the asylum declared that Bushnell has not entirely recovered and that last month he thought an effort was made to poisson him and that he could communicate with the dead. When examined yesterday Dr. Lyon said that he thought if Bushnell did not try to do business he could get along. neas he could get along.

Bushnell testified that he had had delusions and that his illness was due to overwork, but that he is now all right. His answers to many questions by Justice Beckman were coherent.

The Approdite Aground in Coming Out of

Col. Oliver H. Payne's yacht Aphrodite went aground in coming out of the Eric Basin yes terday morning. She had gone into the basin to coal. She attempted to come out at 11:30 b'elock. A bark and a schooner were ahead of her. Capt. Scott of the Aphrodite tried to go to the starboard of the bark, but was forced over to port. The Aphrodite is 302 feet long and draws 155 feet of water. There was only fif-teen feet in that part of the channel, and she grounded.

The Aphrodite remained where she was until I o clock in the afternoon, when she was floated off by the tide. Col. Payne and the party which had been invited to watch the New York Yacht Club races from the Aphroduction of the contract of the co dite's deck were not aboard of her whe met with her mishap.

Federal Steel Common Not to Be Sold "Ex Dividend."

Because of the temporary injunction re straining the payment of the dividend on Fedatraining the payment of the dividend on Fed-eral Steel common, the committee on securi-ties of the New York Stock Exchange has made the following ruling:
"On deliveries of the common stock of the Federal Steel Company after June 29, 1898, each certificate must be accompanied by a due bill for dividend; said common stock not to be sold 'ex dividend' until further order of this committee."

GRANTS OF LAND UNDER WATER The City Authorities Disputing the Power of the Land Board.

ALBANY, June 22.-The New York city authorities are again attacking the power of the State Land Board to make grants of land inder water to the riparian owners within the territory of the Greater New York. Some nonths ago the city authorities opposed the granting by the Land Board of some fifteen pplications for grants of land under water in New York city, unless there was included in such grants a provision that the city could a any time enter upon such lands and take them for the use of the city without compensating the owners for any improvements they may have made thereon. The city authorities con tend that they had the right under the charer to demand the insertion in a grant of any

restrictions deemed necessary. The question was carried to the courts ustice Chester, writing the opinion, held that suggest to the State Land Board the terms and nditions to be inserted in a grant to a ripariar and owner, such action by the Dock Board was erely for the advisement of the Land Board, and that any conclusion of the former might be disregarded by the latter in making a grant.

Justice Chester also held that the provisions of the charter do not operate to limit the power formerly possessed by the Land Board in respect to making grants of lands under water.

The Appellate Physion and the Court of Appels and the Land Board went ahead and made the grants without regard to the restrictions suggested by the New York city Dock Board.

About twenty applications for grants of land under water in the different boroughs of New York city are now pending before the Land Board, among which are four applications for grants in Astoria, made by the Astoria Light. Heat and Power Company. The city authorities are endeavoring to hold up these grants upon the contention that, under the provisions of the charter the Land Board has no jurisdiction whatever to make grants in New York city if the Dock Board decides that such grants would be against public policy.

Attorney-General Davies and State Engineer Bond, as a sub-Committee of the Land Board, to-day gave a hearing upon the question. Assistant Corporation Counsels Charles P. Blandy and E. J. Freedman of New York city appeared and argued against the granting of the applications. They contended that if the New York city Dock Decartment should investigate an application for a grant of land under water in that city, and thereafter should decide by resolution that the making of such grant would be inpurious to the city's interest, the Land Board has no right to make the grant; and argued that under Justice Chester's decision and under the provisions of the law the Land Board on Thursday heat. It is likely that the Land Board will be passed upon by the Land Board on Thursday hext. It is likely that the Land Board will be passed upon by the Land Board on Thursday hext. It is likely that the Land Board will be city so water front, the riparian owners of miles of water front, the riparian owners of miles of water front, the riparian owners of miles of water front, the riparian owners of e disregarded by the latter in making a grant Justice Chester also held that the provisions

miles of water front, the riparian owners of which have not secured grants of land under water adjacent thereto. This water front the New York city authorities say they are endeavoring to preserve from private enterprise to meet the future needs of the city's commerce. CUT HIS THROAT IN THE PARK.

Within the city limits there are about 225

James Hobson Kills Himself in an Arbor Near the West Drive. A man about 35 years old committed suiterday afternoon. His body was discovered by two men who reported the fact to Policeman Sheehan. The policeman afterward found other persons who had noticed the man a short time before sitting in the arbor in which his body was found. This arbor is on the edge of the lake opposite Seventy-seventh atreet and nearthe West Drive. The razor with which the man had cut his throat was still in his hand.

In the man's pockets were \$1.25 in cash, a penknife, a Chinese laundry ticket and a magnifying glass such as is used by cloth testers. He had evidently been sick recently and had a porous cluster across his stomach. His ciothing was all in good condition and of good quality. The laundry mark D. A. M. appeared on some of his linen.

S. J. Boothof 20 West Sixty-fifth street identified the body last night as that of James Hobson, a salesman, of Eighth avenue and Thirty-fifth street. Mr. Booth said that Hobson was a consumptive and was despondent for that reason. Hobson, he said, was born in Nashville, Tenn., and lived in Chicago before coming here. time before sitting in the arbor in which his

TOOK CARBOLIC ACID BY MISTAKE, After Swallowing Some of the Stuff Mrs.

Prendergast Died of Fright. Mrs. Ellen Prendergast, a widow, of 691 East 134th street, died yesterday after taking a dose of carbolic acid by mistake. Mrs. Prendergast was afflicted with heart trouble, and got up early yesterday morning to take some medicine. She got the wrong bottle from a shelf in the pantry, and discovered her mistake before she had swallowed much of the acid. Dr. J. Raynor of 172 Willis avenue was called, but he could not save the woman's life. He said her death was caused by heart failure brought on by fright over the discovery of the mistake. He said the carboile acid she took was not suf-ficient to cause death.

RRYAN PREDICTS VICTORY IN 1900. Nebrasks Fusionist Committees Call the

State Conventions-Harvey's Appeal. LINCOLN, Neb., June 22.-The three State Central Committees, constituting the fusion party in Nebraska, met here to-day and called Aug 22. A mere handful of Free Silver Republicans, principally from Lincoln, were in publicans. Principally from Lincoln, were in attendance.

"Coin" Harvey made a speech, begging ald for his national campaign fund, and Col. Bryan made a congratulatory address, expressing the belief that the signs pointed to a Democratic triumph in 1900 and to Nebraska continuing anti-Republican. A Supreme Court Justice and two Regents of the State University are to be elected this fall. Ex-Gov. Holcomb will be the nominee for Justice.

May Execute Deeds in the Philippines Co. ering Property in This State.

ALBANY, June 22 .- Attorney-General Davies has given an opinion to the District Attorney of Putnam county to the effect that a person in the Philippines owning property in this State may lawfully execute a deed or power of attorney in citation to such property before a subscribing witness about to leave the islands, such as a sea Captain, who will prove the acknowledgment either on the return of the subscribing witness to this country or before a United States Consul at Hong Kong or any other foreign port. other foreign port.

A Notary Public May Hold Another Office ALBANY, June 22.-The Attorney-General has written another opinion to the effect that a person commissioned to the office of notary public may continue to act as notary, although he may afterward have been appointed or elected to a State office, unless there is some statute prohibiting any particular State officer from holding both positions, but that under the Constitution a Senator or a member of As-sembly cannot accept of a new appointment as notary public during his term of office.

Safety Three-Wheel Vehicle Company. ALBANY, June 22.-The Safety Three-Wheel Vehicle Company of New York city was incorporated to-day, with a capital of \$50,000, to manufacture vehicles. The directors are: James E. Bloomer of Freeport, George S. Brush of 200 Broadway, Hermann Schanzlin. Peter A. Ross and E. C. Brown of New York

Boys Kill a Dog That Bit a Girl.

Four-year-old Gertrude Britton of 945 Frankavenue, Brooklyn, while playing in a lot adjoining her home, was bitten on the right hand and thigh by a stray dog yesterday after-noon. The child was chasing the dog when it turned on her. Her screams attracted several boys, who killed the dog with stones and clubs. A surgeon from the hings County Hospital dressed the child's injuries, which are not con-sidered serious.

Labor Unions Must Agree or Get Out. The Board of Walking Delegates has aban oned its attempts to reconcile the differences.

which have caused so many strikes, between the unions represented in the board and the unions in the Building Trades Council. The board announced resterday that it has now given the fighting unions affiliated with it until July 17 to settle their differences with the rival unions or get out of the board.

In Placing Your Advertising For the season, be certain THE SUR is on your list. The number of leading summer resort advertisers who use THE SUR are in themselves an indorsement of the value of the paper as a profitable medium.—44s.

Is this man who stops at a critical place in the game and refreshes himself with MOXIE. Because Moxie is a nerve food it is invaluable where a clear head and a steady hand are needed. Profes-

sional athletes appreciate Moxie on

account of its strengthening prop-

BATTERSBY HELD FOR TRIAL.

Story of the Policeman's Insult to His Wife

Alfred H. Battersby, Vice-President of the

Brighton Beach Racing Association, who at the Brighton Beach Hotel fire on Monday night assaulted Policeman Peter Campbell of

the Forty-third precinct, Brooklyn, was ar-

raigned yesterday before Magistrate Teale in

the Coney Island Police Court. Batters by said that under the circumstances he would do the

same thing again. His wife and several of her

friends had been witnessing the fire, and when

her friends had left her to go to their homes in Sheepshead Bay Campbell insulted her. He

believed that the steps taken by him to resent the act had not been sufficiently severe. Mrs. Battersby substantiated her husband's state-

CITS SUSPECT QUIGG.

Think He Wants to Lure Them to Destruc-

Mr. R. Fulton Cutting, head boss of the

Cits' Union, explained yesterday that it was his intention to devote all the energies of the

Union to an attempt to get honest men into the Municipal Assembly. He is opposed to the

nomination of any one at the head of the city government for the principal offices to

be filled this fall. Mr. Cutting bases his hope

of the redemption of the Board of Aldermen

PEOPLE'S SINGING CLASSES.

Meeting to Be Held in Brooklyn This Even-

ing to Enroll Members.

this evening at Tilden Club Hall, 164 Clymer

street, Brooklyn, to enroll members and begin

the arrangements for selecting the music. The

Officers of the Trust Company of America

The organization of the Trust Company of

merica, which will open for business at 149 Broadway next week, has been completed Ashbel P. Fitch will be President. William H.

Leupp, the Second Vice-President of the Farmers' Loan and Trust Company, has re-signed that office and will take a place with the

signed that office and will take a place with the new trust company as its working Vice-Presi-dent. Lawrence O. Murray, the Deputy Comp-troller of the Currency, has resigned that place to become Trust Officer of the new company, Raymond J. Chatry, at present Assistant Sec-retary of the Metropolitan Trust Company, will be the Secretary. A. L. Banister of the Farmers' Loan and Trust Company will be the Tressaurer, and W. Hunt Hall, from the Central Trust Company, will be the Assistant

Frust Company, will be the Assistant Treas

Cornelius Vanderbilt Will Go to Newport

at Once.

William K. Vanderbilt, who arrived here or

he yacht Valiant on Wednesday, was in his of-

fice at the Grand Central station most of the

ace at the Grand Central station most of the day resterday. Cornelius Vanderbilt will ar-rive from Europe on the Lucania to-night or to-morrow. He will go at once to Newport. The big house at Fifth avenue and Fifty-eighth street is in the hands of workmen.

The Weather.

Fair weather prevailed yesterday in all the States

ordering the Atlantic and in the Ohio Valley and

Gulf States, with showery, threatening conditions

consin, Nebraska, Iowa, northern Illinois and Mich igan. The pressure was low west of the Mississippi

and east of the Rockies, with a storm centre forming

north of Minnesota. high pressure settled over the

Atlantic States and the northern Pacific States. It

ras generally cooler except in the Mississippi and Missouri valleys, where it was 4° to 18° warmer: ex-

essive heat was felt in the Gulf States and the South-

est, the maximum temperatures touching between

The temperature as recorded by the official the

WASHINGTON PORECAST FOR PRIDAY.

For New England, increasing cloudiness and

alightly warmer to-day; showers Saturday; light

ant winds.
For eastern New York, fair and warmer te-day, ex-

ept light thowers in north portion; probably thowers

Saturday, light southeast winds,
For the District of Columbia, castern Pennariva.

nia, New Jersey, Delaware, Maryland and Virginia,

fair and warmer to-day; increasing cloudiness

the lakes: probably cooler Saturday; light to fresh

sturday; light east winds, becoming variable. For western New York, western Psensylvania and Obio, fair to-day and Saturday, except showers on

treet level is shown in the annexed table;

92° and 100°

Brooklyn People's Singing Classes are

tion with Honey-Tongued Words.

Told in Court.

Druggists everywhere sell Moxie by the glass. Grocers everywhere deliver Moxie to the home by the bottle or case.

SERVANT ACCUSES A DOCTOR.

According to Her Story He Cheated Her

Out of \$500. Dr. Ralph H. Goldberg of 122 East 105th street was arraigned yesterday in the Ewen Street Police Court, Williamsburg, on the complaint of Louisa Hermann, a domestic servant, who accused him of obtaining \$500 from her under false pretences. Miss Herman is employed at 767 Grand street, Williamsburg, and has known the physician for several years. About a year ago, according to her affidavit, Dr. Goldberg explained to her that he was largely Goldberg explained to her that he was largely interested in the Manhattan Institute of electro-therapeutics, that the 100,000 shares of stock had been all subscribed for and that the first dividend would not at least 15 per cent. On the strength of this statement she says, she gave the doctor \$500. He then, she alleged, also promised her a place as nurse in the institute. She afterward learned, she asserts, that the representations made to her about the institute were false. Dr. Goldberg yesterday ploaded not guilty to the charge and was held in \$1,000 ball. Battersby substantiated her husband's statement, but Campbell denied it and said that the assault upon him was unprovoked. In the assault a lighted lantern was used, and on striking the noliceman's shield it was bent double. Col. John U. Shorter, who appeared for the defendant, expressed his opinion of the complainant in strong language and asked that the case be dismissed. Magistrate Teale declared that, as the defendant had admitted the assault, there was nothing left for him who but hold Mr. Battersby for trial in the Court of Special Sessions. No bail was fixed and he was paroled in the custody of his counsel.

Policeman Campbell will have to stand trial before the Police Commissioners on Tuesday for his alloged insult to Mrs. Battersby.

CLIFFORD'S EXECUTION STATED. Jersey Murderer's Life Prolonged for the Fourth Time.

The papers in the recent proceedings taken in behalf of Edward Clifford, the murderer of William G. Wattson, Superintendent for the West Shore Railroad, have been served on Under Sheriff Heavey in Jersey City, Sheriff Helier being sick, and Clifford will not be hanged next Tuesday, the day fixed for his hanged next Tuesday, the day fixed for his execution. An order from Judge Kirkpatrick directs the Sheriff to stay all proceedings in the case pending the determination by the United States Supreme Court of the appeal taken from his refusal to grant a writ of habeas corpus. The application, which was made by former Attorney-General Stockton, was based on the ground that Clifford's conviction by a struck jury was unconstitutional. This is the fourth time the execution has been postponed. The murder was committed on March 5, 1868, and Clifford was convicted on June 13, following. of the redemption of the Board of Aldermen on what he says President Quigg of the Republican County Committee is reported to have said: "If the Independents nominate a good Republican or a good Pemocrat on their ticket I will give them my support." In his speech before the Republican County Committee, in urging a union of all the anti-Tammany forces this fail, Mr. Quigg said: "Let us say to them, Nominate your very best men for members of the Assembly and the Board of Aldermen, and we will support them if they are reasonably Republican."

Mr. Cutting said yesterday that in the fall campaign his union would adopt the suggestion. Mr. Cutting said is mountainly, for he believes that the suggestion was made by Mr. Quigg in order to lure the Cits to destruction.

THE RHOADS INQUEST. Jury Censures Motorman for Running His

Coroner Bausch held an inquest yesterday in the case of George B. Rhoads, senior Captain of the Seventh Regiment and President of the Stuveysant Insurance Company, who was run Stuversant Insurance Company, who was run down by an electric car at Eighth avenue and 132d street on June 19.

The jury returned a verdict that Captain Rhoads came to his death by fracture of the skull, "caused by being struck by a south bound electric car of the Metropolitan Street Railway, controlled by John Paris, motorman, whom we censure for propelling said car at an unlawful and reckless speed."

Coroner Bausch ordered that the motorman be brought before him to-day.

Preparations are being made by the Brooklyn MISS GERTRUDE THOMAS BETTER. starting the next season of the classes in Oc-Underwent an Operation for Appendicitis tober. A meeting of the division will be held

Miss Gertrude Thomas, daughter of Gen. Samuel Thomas, has been seriously ill from appendicitis at her home, 185 West Fifty-eighth street, for the past four weeks. Her condition has been so serious that tanbark was spread in the street. An operation was performed by Dr. Robert Abbé ten days ago. Last night it was reported that Miss Thomas was improving. Brooklyn Feople's singing Classes are the outgrowth of an experiment made by Frank Damrosch about six or eight years ago to cultivate a taste for music among the working people of New York.

The first year a class was started in Cooper Union, and the idea became so popular that by degrees several branch classes were opened in other parts of the city, and within the past year of two the movement extended to Brooklyn. The classes are supposed to be free, a nominal sum being charged to defray the hire of halls and the cost of music and printing.

Motion to Discharge John C. Eng's Ronds A motion to discharge the bail bonds in the ase of John C. Eno, who had been President of the Second National Bank, was made by the District Attorney's office yesterday in the General Sessions. In June, 1884, twelve inlictments were filed against Eno. His bondsdietments were filed against Eno. His bondsmen were Benjamin Knower and John H.
Bloodgood. It was to have their bonds released that the motion was made. Assistant
District Attorney Schwarzkopf said that the
District Attorney believed that Eno could not
be convicted on the evidence in the possession
of the people, and that there was no probability of his being tried. Judge Newburger
said that he would inquire into the matter
further and would reserve decision.

Bomb Exploded in His Hand,

Passaic, N. J., June 22.-Otto Freeman and Aaron Whitte were badly injured last night by the explosion of a bomb after a fireworks display given at the fair in aid of the General Hospital. One of the pieces which had been sent pital. One of the pieces which had been sent up by means of a mortar came down without having burst. Freeman and Whitte made a dash for it, thinking the fuse had failed to ignite. Freeman secured it, but no sooner raised it than it exploded. His left hand was completely shattered and he was badly injured about the head. It is feared he will lose the sight of one of his eyes. Whitte was found to have an ugly wound in the east of his right leg. Upon probing it one of the fingers of Freeman's hand was found imbedded in the flesh.

Factory Inspector O'Leary Gets a New Job. It was announced yesterday that a job had been provided for Daniel O'Leary, the late State Factory Inspector, by John Williams, his sucessor in office, by which O'Leary will remain in that department. O'Leary's new position will be Inspector of Licenses. He was the only candidate for it, and in a civil service examination his percentage was nearly 100. His new duties will consist of issuing licenses for buildings used for manufacturing purposes.

H. S. Beardsley Dies in the Street. Homer 8. Beardsley, 65 years old, who was employed as an advertising agent by the Home

Journal, a weekly newspaper, died suddenly yesterday in Battery place. Mr. Beardaiey was just returning from a trip to Coney Island and was proceeding toward Washington street, when he fell to the sidewalk. The apparent cause of death was heart failure. In this city the day was fair and cooler; wind north o northeast, average velocity sixteen miles an hour verage humidity 51 per cent.; barometer, corrected to read to sea level, at 8 A. M. 30.18, 3 P. M. 30.18. nometer and also by THE SUN's thermometer at the treet level is shown in the annexed table:

-Official Sun's, -



Warning That Should Be Heeded.

Despondency, nervousness, headaches, exhaustion, are caused by irregular eating, overfeeding or lack of exercise. Remedy these sufferings in time by taking

Kutnow's Effervescent Powder

the only really imported remedy containing the genuine salts of Europe's famous mineral springs in a condensed, palatable, refreshing form. It has been tried and indorsed by leading physicians everywhere.

"It is now recognized as a valuable addition to natural aperient medicines."
—London Lancet.

You can also try it without expense, obtaining

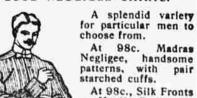
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KUTNOW BROS., Ltd., 853 Broadway, N. Y. City. Sold by all Druggists.

Kennedy Cortland

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COOL NEGLIGEE SHIRTS.



Starched Percales, 98c. and 1.49.

BELTS, a splendid variety, 49c., 79c., 98c., 1.25. Duck Trousers (cotton), 98c. and 1.49. Linen Duck Trousers, 2.25, worth \$4.

POOLROOM CLOSES.

Managers Got a Tip and Didn't Wait for the Raid to Be Made.

droom on Flatbush avenue, in the neighorhood of the Long Island Railroad Depot in Brooklyn, which had been doing a wide-oper business on all the races for several months. was shut up in a hurry early yesterday afternoon upon receipt of information that the police were on their way to raid the place. This tip were on their way to raid the place. This tip reached the place shortly before the opening race at Sheepshead Bay was run.

The room was crowded with bettors, and when they were informed of the intended raid they lost little time in getting out. Betting sheets with odds which were pasted on the wails were hurriedly form down, and the other paraphernalia of the place were removed. Later in the afternoon several policemen in citizen's clothes appeared, but they found anothing to detain them and went back to their stations. The reputed owner of the place once won a very big race with a horse at long odds.

MEDAL GIFEN TO MR. BARRY. Presented by Congress in Recognition of His

Courage in Saving Lives. Michael F. Barry, a clerk in the employ of the ennsylvania Railroad Company and a member of the Union Democratic Club of Brooklyn, has been presented with a gold medal for saving a been presented with a gold medal for saving a number of lives. The medal was awarded to Mr. Barry by Congress" in recognition of his herote services in rescuing from drowning, at the peril of his life, several persons under the most trying difficulties on several occasions between the years 1987 and 1897." The medal was presented by Congressman Driggs.

Thomas F. Byrne to He a City Magistrate. The Tammany state printed in THE SUN two veeks ago of successors to the City Magistrates whose terms will expire on June 30 has been completed by the addition of the name of Deputy Assistant District Attorney Thomas P. Byrne to take the place of Magistrate Went-Byrne to take the place of Magistrate Went-worth. Magistrate Simms is expected to sueceed himself. Ex-Police Justice Edward Hogan will take the place of Magistrate Kudlich. In the Court of Special Sessions Justice John Hayes retires and is succeeded by Civil Magistrate John McKean, whose seat will be taken by Herman Josephs, brother-in-law to Justice John H. McCarthy.

Mr. Byrne lives in the Seventh Assembly district and has the indersement of James W. Boyle, the leader, and of other well-known Tammany men.

...Gained 50 Lbs.

Dr. H. B. Buterbaugh, of Indiana, Pa., writes: "Have used Johann Hoff's Mait Extract with very satisfactory results. I have one patient who began to use it about six weeks ago. His weight then was 95 lbs. He now weighs 148 lbs. and is strong and healthy."

...Johann Hoff's Malt Extract